

In re: DB HOLDINGS LIQUIDATION, INC.
ET AL.

Debtor.

KOMODO CLOUD, LLC

Appellant,

V.

DB HOLDING LIQUIDATION, INC. f/k/a
DIRECTBUY HOLDINGS, INC. and
CSC GENERATION, INC.

Appellees.

C. A. No. 17-605-GMS
C.A. No. 17-606 GMS
BAP No. 17-16

Bankruptcy Case No. 16-12435 CCS

RECOMMENDATION

At Wilmington this **26TH** day of **June, 2017.**

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in these matters;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. Although Appellant feels mediation is appropriate, Appellees do not. According to Appellees, significant time was devoted to settlement negotiations

between CSC and Komodo while the parties' disputes were pending in the Bankruptcy Court, which included the assistance of Judge Sontchi on March 2, 2017, without success. Therefore, in light of the parties' positions, mediation does not appear to be appropriate.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), these matters be withdrawn from the mandatory referral for mediation. The parties are advised of their right to file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge